



UNITED STATES DEPARTMENT OF EDUCATION
FEDERAL STUDENT AID
APPLICATION, SCHOOL ELIGIBILITY
AND DELIVERY SERVICES
SCHOOL ELIGIBILITY CHANNEL
WASHINGTON, DC 20202

JUL 16 2004

Ms. Kate Dieringer

Dear Ms. Dieringer:

This is in response to your complaint to the Department of Education regarding the policies of Georgetown University on the disclosure of campus disciplinary proceedings to victims of sexual assault. We have carefully reviewed your complaint, Georgetown's policies, its explanation and the documents it provided. We have determined that Georgetown's approach is inconsistent with the requirements of §485(f)(8)(B)(iv)(II) of the Higher Education Act of 1965, as amended, 20 U.S.C. §1092(f)(8)(B)(iv)(II). We are informing Georgetown of our conclusion and expect it to conform its rules to comply with the HEA.

It is Georgetown's policy that it will not disclose the results of campus disciplinary proceedings to a victim unless the victim signs a form agreeing not to redisclose the information to another person. Georgetown contends that this policy is consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA). However, the discretion given institutions under FERPA does not supercede their obligations under the HEA to have a policy that ensures that the accuser and accused in a campus disciplinary action involving an alleged sexual assault are informed of the results of the proceeding. The institution's obligation under FERPA to ensure that the recipient of this information does not redisclose this information does not limit the affirmative obligation under the HEA. The HEA provision was enacted after FERPA and is not conditioned on compliance with the non-disclosure requirement in FERPA.

Thank you for contacting us regarding this matter and for your cooperation with our investigation.

Sincerely,

M. Geneva Coombs, Director
Case Management Teams – Northeast

cc: Security on Campus, Inc.